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**FILED**

July 15, 2004

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

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:  
IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

SCOTT A. SALKIND, D.O.

TO PRACTICE MEDICINE IN THE  
STATE OF NEW JERSEY  
-----:

Administrative Action

**CONSENT ORDER GRANTING  
RESTRICTED LICENSURE**

This matter **was** most recently opened to **the** State Board of Medical Examiners upon receipt of a petition for restoration of licensure filed on behalf of Dr. Scott Salkind. The doctor appeared, accompanied by Dr. Louis Baxter, Executive Medical Director **of** the Physicians Health Program of the Medical Society of New Jersey (PHP), and testified **before** a Committee of **the** Board in support of that petition. The Board has had an opportunity to consider extensive submissions from the PHP, a report from Dr. Lynn Bornfriend and the sworn testimony of Dr. Salkind and Dr. Baxter on April 23, 2003 and June 2, 2004 before Committees of the Board.

**CERTIFIED TRUE COPY**

The Board's record in this matter reveals that following several license suspensions beginning in 1987, which were based upon a history of substance abuse, Dr. Salkind's license was reinstated on April 10, 1992. In November of 1993 his license was temporarily suspended due to a relapse and thereafter an Order of Revocation was filed. In October of 1997 the doctor's license was reinstated with restrictions. In August of 1999 he self-reported relapse behavior and the Board entered an Order of Automatic Suspension. Dr. Salkind has remained suspended since that time.

Proofs submitted to the Board pursuant to the instant petition for reinstatement demonstrate that during his period of licensure suspension Dr. Salkind has achieved total drug and alcohol free sobriety since April 2003. In the past year he has submitted to a psychiatric evaluation and pursued the recommended course of therapy, at the direct behest of the Board. He has routinely submitted to random urine screens and hair analysis, all of which have been negative since April 2003.

Throughout his suspension Dr. Salkind has worked at non-medical activities while taking the steps necessary to maintain his medical knowledge and skills to the extent permitted absent licensure. The PHP has confirmed that he has been totally compliant with the PHP's requirements and those of his therapist and has been a faithful participant in Alcoholics Anonymous. He has taken on sponsorship of several newer members of Alcoholics Anonymous.

In the course of his testimony Dr. Salkind communicated his confidence in his own recovery and his belief that he has addressed and controlled the problems which undermined past periods of sobriety. He earnestly consented to practice within the constraints of this Order and any other guidance from the PHP or the Board.

The final stumbling block to the Board's limited reinstatement of Dr. Salkind's license is his long documented pattern of frequent urine analysis results which demonstrate low creatinine levels and low specific gravity. Such results are potentially indicative of diluted urine samples but can also occur as a function of individual body chemistry. In accord with the Board's request, in the twelve months preceding the doctor's most recent committee appearance, all samples which reflected low specific gravity and low creatinine were re-tested using gas chromatography and mass spectrometry. That confirmatory testing of potentially dilute has been negative for banned substances and must continue under the within Order,

The Board having determined that the within disposition is adequately protective of the public health, safety and welfare and other good cause having been shown,

IT IS on this 14<sup>th</sup> day of July 2004:  
ORDERED:

1. The license previously granted to Scott A. Salkind, D.O. is hereby reinstated subject to the restrictions set forth herein.

2. Dr. Salkind shall refrain from the use of alcohol and all controlled substances and prescription medications unless specifically prescribed by a treating physician or other medical professional who has been informed of respondent's chemical dependency history, for a legitimate medical purpose, and in the usual course of the treating professional's medical practice. If any medication is taken upon prescription or dispensing from another medical professional, Dr. Salkind shall so notify the PHP of that fact on the following business day or before the next urine sample is submitted, whichever is sooner, and shall cause this treating medical professional to immediately transmit the records of his treatment to the PHP.

3. Dr. Salkind shall continue to participate in the PHP and will adhere to all of the requirements made by that program, which requirements shall include at a minimum monthly face-to-face meetings with a clinical representative of the PHP. Dr. Salkind shall expressly authorize the PHP to immediately inform the Board and the Attorney General of any lapse or violation of the terms of this Order or of respondent's participation in the PHP and shall provide for any of the necessary waivers of privilege or confidentiality. The PHP shall provide quarterly reports to the Board which reports shall summarize in detail respondent's compliance with this Order and with the requirements of the PHP. The quarterly reports shall have attached copies of the urine analysis results received during that quarter. The PHP hereby

agrees to **immediately** notify the Board in the **event** of any non-compliance, suspicious behavior or relapse by Dr. Salkind.

4. Dr. Salkind shall have his urine monitored under the **supervision** of the PHP on a random **twice-weekly** basis; the **time**, place and schedule of same to be **determined** by the PHP. The urine monitoring shall **be** conducted with **direct** witnessing of the taking of samples either by PHP staff or by their **designees**. The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and provide documentation in the event of a legal challenge. The PHP shall be responsible to **assure that all** urine samples are handled by a laboratory competent to provide these services. All **test results** shall be provided in the first instance to the PHP and any positive results shall **be** reported immediately by the PHP to the Executive Director of the Board, or his designee and to **the** Attorney General. Any **failure** by Dr. Salkind to submit or provide a urine sample within 24 hours of a request will be deemed to be equivalent to a confirmed positive urine test.

In the event that Dr. Salkind is unable to **appear for a scheduled** urine test or to **provide** a urine sample due to illness or other impossibility, consent to-waive the day's **test** must be secured from the Medical Director of **the** PHP or his **designee**. In addition, respondent must provide the PHP with a written substantiation of his inability to appear within two days. Impossibility as employed in this provision shall **mean** an obstacle beyond the control of Dr. Salkind that is so insurmountable that it

makes **an-appearance** for a test or provision of a urine sample so infeasible that a **reasonable** person would not withhold consent to waive the test on that **date**. The PHP shall **advise** the Board and the Attorney General of every instance where a **request** has **been** made to waive the urine test **together** with the program's determination in **such** case. Dr. Salkind **expressly agrees** to waive any privilege he may have concerning such **reports** and disclosures to the Board and the Attorney General by the PHP.

5. Dr. Salkind shall continue his participation in Alcoholics Anonymous and document his **attendance** at meetings daily for the first six months after he **resumes** practice. **Thereafter**, he will document attendance at a minimum of **three** meetings **per** week. Dr. Salkind agrees that the PHP shall advise **the** Board and the Attorney General immediately in the event it receives information that Dr. Salkind has fallen below **the** required minimum attendance at AA.

6. Dr. Salkind shall continue in individual psychotherapy with Dr. Lynn **Alison** Bornfriend on a schedule to be established by Dr. Bornfriend. Dr. Salkind shall ensure that Dr. Bornfriend submits quarterly reports to the **Board** of **Medical** Examiners (in addition to the PHP) in which she details the nature and quality of Dr. Salkind's participation in psychotherapy. Dr. Bornfriend **agrees** to notify the Board immediately if Dr. Salkind unilaterally terminates therapy.

7. Dr. Salkind shall affiliate himself in **the** medical practice of Dr. C. Ivan Gordon in **Audubon**, New Jersey and shall

practice, only at that location absent further **approval** of the Board. Dr. Salkind shall obtain Dr. Gordon's agreement to supervise respondent's return to practice and to provide quarterly reports to **the** Board (in addition to the PHP) regarding his observations of Dr. Salkind's **drug free** status as well as his practice of medicine. Dr. Gordon's signature on a copy of this Order indicates Dr. Gordon's **agreement** to immediately report any suspicious behavior indicative of **non-compliance** or a relapse into substance abuse and to undertake office hours which overlap with Dr. Salkind's.

8. Dr. Salkind shall obtain the **consent** of Dr. Chris Johnston to perform the role of practice monitor. Dr. Johnston's signature on a copy of this Order indicates his consent to monitor Dr. Salkind's professional activities and to provide quarterly reports to the Board (and the PHP) regarding Dr. Salkind's conduct and drug-free status. Dr. Johnson also agrees to make **an** immediate report **to** the Board and the PHP in the event that he becomes aware of any non-compliant, suspicious or relapse behavior by Dr. Salkind.

9. Respondent hereby consents to the **entry** of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board **in its** sole discretion deems reliable, demonstrating that respondent has failed to comply with any of the conditions herein, including but not limited to report of a confirmed positive urine, report of an adulterated

urine or, a prima facie showing of a relapse or recurrence of alcohol or drug **abuse**.

10. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be **limited** to a showing that the urine tested was a false positive or that other information the Board relied upon was false. In the event that respondent fails to make the **requisite** showing, his **license** shall be revoked with prejudice to any future re-application.

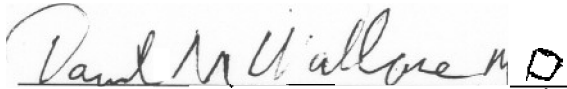
11. All reports required herein shall be made to:

William Roeder, **Executive** Director  
Board of Medical Examiners  
Post Office Box 183  
Trenton, New Jersey 08625-0183


and

Jeri Warhaftig, Deputy Attorney **General**  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

STATE BOARD OF MEDICAL EXAMINERS

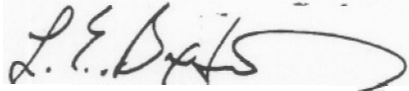
  
David M. Wallace, M.D. President

I have read and understood the foregoing Order and agree to be bound by its terms.

  
Scott A. Salkind, D.O.



Consented-to on behalf of the PHP.

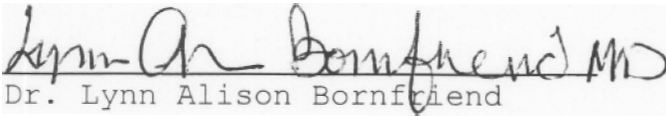


Dr. Louis Baxter, Executive **Medical** Director

I hereby agree to provide **quarterly** reports of my supervision of **the** practice of **Dr. Salkind** to **the** Board and to immediately report **any** information indicative of a relapse into substance abuse. I have received a copy of this **nine** page Order.



C. Ivan Gordon, M.D.



Dr. Lynn Alison Bornfreund



Dr. Chris Johnston